

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35822

STATE OF IDAHO,)	2009 Unpublished Opinion No. 508
)	
Plaintiff-Respondent,)	Filed: June 22, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
ROGER ELIN VENTURA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. John M. Melanson, District Judge.

Judgment of conviction and unified sentence of twenty-three years, with ten years determinate, for lewd conduct with a minor under sixteen, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

Roger Elin Ventura was charged with lewd conduct with a child under sixteen, I.C. § 18-1508, and pursuant to a plea agreement, pled guilty to the charge and the state agreed to limit its sentencing recommendation. Ventura was sentenced to a unified term of twenty-three years, with ten years determinate. Ventura filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Ventura appeals from his judgment of conviction and sentence, contending that the district court abused its discretion by imposing an excessive sentence.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d

1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Ventura's judgment of conviction and sentence are affirmed.